

AMENDED IN ASSEMBLY APRIL 28, 1998

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

ASSEMBLY BILL

No. 2352

Introduced by Assembly Member Woods

February 20, 1998

~~An act to amend Sections 12800 and 12803 of, and to repeal and add Section 12806 of, the Government Code, to amend *An act to amend* Section 15037.1 of the Unemployment Insurance Code, and to amend Sections 19001 and 19002 of the Welfare and Institutions Code, relating to human services.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 2352, as amended, Woods. ~~Human services: state agencies~~ *Rehabilitation programs.*

~~Existing law provides for the Health and Welfare Agency, which includes various state departments charged with the administration of health, social, and other human services. This agency is headed by the Secretary of the Health and Welfare Agency.~~

~~This bill would change the name of this agency to the Health and Human Services Agency, and the title of the head of that agency to the Secretary of the Health and Human Services Agency.~~

~~Under existing law, one of the departments in the Health and Welfare Agency is the Department of Rehabilitation. This department has jurisdiction over various programs for disabled persons, including the provision of vocational~~

~~rehabilitation services. The department is headed by the Director of Rehabilitation.~~

~~This bill would change the name of this department to the Department of Vocational Rehabilitation, and the title of the head of that department to the Director of Vocational Rehabilitation.~~

Existing law requires the State Job Training Coordinating Council to be responsible for developing an education and job training report card program to assess the accomplishments of California's workforce preparation system.

Existing law requires, by January 1, 2001, a subcommittee of that council, or an entity contracting with that subcommittee, to operate a performance-based accountability system that matches social security numbers of former participants in state education and training programs with information in files of state and federal agencies that maintain employment and educational records and that identifies the occupations of those participants.

This bill would add to the list of programs required to be included in this performance-based accountability system, programs in receipt of funds from the federal Vocational Rehabilitation Act of 1973, as amended.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 12800 of the Government Code~~
 2 ~~is amended to read:~~
 3 ~~12800. There are in the state government the~~
 4 ~~following agencies: State and Consumer Services;~~
 5 ~~Business, Transportation and Housing; California~~
 6 ~~Environmental Protection; Health and Human Services;~~
 7 ~~Resources; Trade and Commerce; and Youth and Adult~~
 8 ~~Correctional.~~
 9 ~~Whenever the term "Agriculture and Services~~
 10 ~~Agency" appears in any law, it means the "State and~~
 11 ~~Consumer Services Agency," and whenever the term~~
 12 ~~"Secretary of Agriculture and Services Agency" appears~~

1 ~~in any law, it means the “Secretary of State and Consumer~~
2 ~~Services Agency.”~~

3 ~~Whenever the term “Business and Transportation~~
4 ~~Agency” appears in any law, it means the “Business,~~
5 ~~Transportation and Housing Agency,” and whenever the~~
6 ~~term “Secretary of the Business and Transportation~~
7 ~~Agency” appears in any law, it means the “Secretary of~~
8 ~~the Business, Transportation and Housing Agency.”~~

9 ~~Whenever the term “Health and Welfare Agency”~~
10 ~~appears in any law, it means the “Health and Human~~
11 ~~Services Agency,” and whenever the term “Secretary of~~
12 ~~the Health and Welfare Agency” appears in any law, it~~
13 ~~means the “Secretary of the Health and Human Services~~
14 ~~Agency.”~~

15 ~~SEC. 2. Section 12803 of the Government Code is~~
16 ~~amended to read:~~

17 ~~12803. (a) The Health and Human Services Agency~~
18 ~~consists of the following departments: Health Services;~~
19 ~~Mental Health; Developmental Services; Social Services;~~
20 ~~Alcohol and Drug Abuse; Aging; Employment~~
21 ~~Development; Vocational Rehabilitation; and~~
22 ~~Community Services and Development.~~

23 ~~(b) The agency also includes the Office of Statewide~~
24 ~~Health Planning and Development and the State Council~~
25 ~~on Developmental Disabilities.~~

26 ~~SEC. 3. Section 12806 of the Government Code is~~
27 ~~repealed.~~

28 ~~SEC. 4. Section 12806 is added to the Government~~
29 ~~Code, to read:~~

30 ~~12806. (a) The Health and Human Services Agency~~
31 ~~shall succeed to, and is vested with, all the duties, powers,~~
32 ~~purposes, responsibilities, and jurisdiction vested in the~~
33 ~~Health and Welfare Agency.~~

34 ~~(b) The Secretary of the Health and Human Services~~
35 ~~Agency shall succeed to, and is vested with, all the duties,~~
36 ~~powers, purposes, responsibilities, and jurisdiction vested~~
37 ~~in the Secretary of the Health and Welfare Agency.~~

38 ~~SEC. 5.—~~

39 ~~SECTION 1. Section 15037.1 of the Unemployment~~
40 ~~Insurance Code is amended to read:~~

1 15037.1. (a) The state council shall be responsible for
2 developing an education and job training report card
3 program to assess the accomplishments of California's
4 work force preparation system.

5 (1) A subcommittee of the state council shall be
6 established for this purpose.

7 (2) The subcommittee shall be comprised of three
8 private sector members of the state council, the director
9 of the department, the Superintendent of Public
10 Instruction, the Chancellor of the California Community
11 Colleges, or their designees, and representatives of
12 programs that are to be measured under the report card
13 program.

14 (3) The subcommittee shall be responsible for
15 designing and implementing, or contracting with an
16 operating entity for the implementation of, a system that
17 can compile, maintain, and disseminate information on
18 the performance of providers, programs, and the overall
19 work force preparation system.

20 (b) By January 1, 2001, the subcommittee or an
21 operating entity under contract to the subcommittee
22 shall operate a comprehensive performance-based
23 accountability system that matches the social security
24 numbers of former participants in state education and
25 training programs with information in files of state and
26 federal agencies that maintain employment and
27 educational records and identifies the occupations of
28 those former participants whose social security numbers
29 are found in employment records.

30 (c) This system shall measure the performance of state
31 and federally funded education and training programs.
32 Programs to be measured shall include programs in
33 receipt of funds from the federal Vocational
34 Rehabilitation Act of 1973, as amended (29 U.S.C. Sec. 701
35 et seq.), the Job Training Partnership Act, the Carl D.
36 Perkins Vocational Education Act, the Job Opportunities
37 and Basic Skills program, the Food Stamp Employment
38 and Training program, the Wagner Peyser Act, the
39 Employment Training Panel, adult education programs
40 as defined by paragraph (9) of subdivision (b) of Section

1 10521, vocational education programs, and certificated
2 community college programs.

3 (d) Job training and education providers receiving
4 funding identified in subdivision (c) shall, to the extent
5 permitted by federal law, request social security numbers
6 from each participant in a work force preparation
7 program and shall report to the subcommittee or an
8 operating entity under contract to the subcommittee, as
9 the case may be, on participant social security numbers
10 and economic and demographic characteristics,
11 including, but not limited to, age, gender, race or
12 ethnicity, and education achievement. The state council
13 shall establish the acceptable format and timeframes for
14 data submission.

15 (e) The Superintendent of Public Instruction shall
16 ensure that local education agencies that operate
17 programs specified in subdivision (c) issue the following
18 notice to all participants in work force preparation
19 programs:

20
21 “PRIVACY NOTICE

22
23 Section 15037.1 of the Unemployment Insurance Code, allows job
24 training and education providers to solicit your social security
25 number and other personal information from you to find out if the
26 education or training program you are enrolled in is meeting its
27 goals of preparing individuals for employment.

28
29 The information that can be requested includes:

- 30
31 * Your social security number.
32 * Demographic information (such as your age,
33 ethnicity, and educational achievement level).
34 * Information about the kinds of services you were provided
35 (such as the type of training received, length of training,
36 and completion dates).
37

Any information gathered about you will be summed up by the State Job Training Coordinating Council along with the same kinds of information about others to determine the success of the programs you are enrolled in. You will not be individually identified in any reports made to the public.

You may decide whether or not to provide your social security number and other demographic and program information for the purposes identified in this notice. It is voluntary. If you do not wish to provide this information you can still receive services.

If you are under 18, your parent or guardian should sign this form.

Name of participant

My signature means that I have been informed of the ways the social security number and other information will be used and that I have made a voluntary decision to provide the social security number and other information.

Signature of participant (or parent or
guardian if participant is under 18)

Date

My signature means that I have been informed of the ways the social security number and other information will be used and that I have made a voluntary decision NOT to provide the social security number and other information.

Signature of participant (or parent or
guardian if participant is under 18)

Date

A copy of the record or information to be released may be requested by the participant by submission of a request in writing.”

(f) The Superintendent of Public Instruction may modify the Privacy Notice set forth in subdivision (e) in order to comply with federal privacy law with prior

1 notice to the Assembly Committee on Labor and
2 Employment and the Senate Committee on Industrial
3 Relations.

4 (g) The system shall be designed to measure factors
5 such as:

6 (1) Amount and source of funding.

7 (2) Program entrance and successful completion
8 rates.

9 (3) Employment and wage information for one and
10 three years after completion of training.

11 (4) The relationship of training to employment.

12 (5) Academic achievement for one and three years
13 after completion of training.

14 (6) Achievement of industry skill standard
15 certifications, where they exist.

16 (7) Return on public investment.

17 (h) Based upon the information compiled pursuant to
18 this section, the subcommittee or an operating entity
19 under contract to the subcommittee, as the case may be,
20 shall, by December 31, 1997, and each December 31
21 thereafter, do all of the following:

22 (1) Prepare and disseminate report cards for all
23 training and education providers in receipt of funds
24 included in the tracking system.

25 (2) Prepare and disseminate local and statewide
26 report cards that measure the outcomes of the individual
27 programs that operate as part of the work force
28 development system.

29 (3) Prepare and disseminate a state report card that
30 measures the performance of the entire system of work
31 force preparation and the effectiveness of the system in
32 meeting employers' needs for educated and trained
33 workers and the clients' needs for improving their
34 economic well-being.

35 (i) The state council shall develop objective
36 performance standards emphasizing the principles of
37 continuous improvement for the programs covered
38 under this section, and a system of sanctions and
39 incentives to encourage performance that meet these
40 standards.

(j) The state council shall explore the feasibility of including the following persons in this system:

(1) Attendees at private postsecondary institutions.

(2) Recipients of federal student loans.

(3) Recipients of Pell grants.

(4) Pupils in grades 11 and 12.

(5) Students enrolled in any community college, California State University, or University of California program.

(k) The sole purpose of this section is to assess the performance of state and federal employment and training providers and programs in preparing Californians for the work force. Collection and use of social security numbers pursuant to this section shall be consistent with the requirements of Section 7 of the federal Privacy Act of 1974 (P.L. 93-579) and Section 405(c)(2)(C) of Title 42 of the United States Code. Notwithstanding Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code, or any other provision of law, the social security number of any person obtained pursuant to this section is not a public record, and shall not be disclosed except for the purpose of this section. Information obtained pursuant to this section shall not be sold or distributed to any entity without prior consent from the individual, or his or her parent or guardian, with respect to whom the information is gathered. This subdivision does not prohibit the exchange of information with other governmental departments and agencies, both federal and state, that are concerned with the administration of work force development programs. Neither the subcommittee nor an operating entity under contract to the subcommittee, as the case may be, may make public any information that could identify an individual or his or her employer.

(l) An education and training program that requires information gathered by the education and job training report card program shall use the report card program and shall not initiate automated matching of records in

1 duplication of methods already in place as a result of the
2 report card program.

3 (m) Funding for the development and maintenance
4 of the education and job training report card program
5 shall be made available on a shared basis by the programs
6 the report card program is measuring, to the extent
7 authorized by federal and state law. The subcommittee,
8 or the operating entity under contract to the
9 subcommittee, shall have the authority to assess each of
10 the programs with an appropriate share of the costs of the
11 report card program. Administrative funds currently
12 used for program followup activities for the identified
13 programs shall be redirected for this purpose, if
14 authorized by federal law.

15 (n) The state council shall apply for any federal
16 waivers that may be necessary to implement this section.

17 ~~SEC. 6. Section 19001 of the Welfare and Institutions~~
18 ~~Code is amended to read:~~

19 ~~19001. There is in the Health and Welfare Agency the~~
20 ~~Department of Vocational Rehabilitation.~~

21 ~~SEC. 7. Section 19002 of the Welfare and Institutions~~
22 ~~Code is amended to read:~~

23 ~~19002. The Department of Vocational Rehabilitation~~
24 ~~is under the control of an officer known as the Director~~
25 ~~of Vocational Rehabilitation. As used in this division~~
26 ~~“department” and “director” refer to the Department of~~
27 ~~Vocational Rehabilitation and the Director of Vocational~~
28 ~~Rehabilitation, respectively, unless the context otherwise~~
29 ~~requires.~~